

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.5792 of 2007**

Smt. Asha Devi Sharma, aged about 49 years, wife of Shri Dr. Ashok Sharma, Proprietor M/s. Perfect Steel Works Frajarpur, Jagdalpur, Presently residing at Government Ayurvedic Hospital, Village Benur, Block, Tahsil and District Narayanpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through: The Secretary, Commerce and Industries Department, D.K.S. Bhawan, Mantralaya, Raipur (CG)
2. The General Manager, District Business and Industries Centre Jagdalpur, District Bastar (CG)
3. Chhattisgarh State Electricity Board, Through: The Executive Engineer, Jagdalpur, District Bastar (CG)
4. The Collector, Jagdalpur, District Bastar (CG)

---- Respondents

For Petitioner	:	Mr.P.K.C.Tiwari, Senior Advocate with Mr.Kripesh G.Kela, Advocate
For Res.No.1, 2 and 4	:	Mr.Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

20/11/2017

1. Mr.P.K.C.Tiwari, learned Senior Counsel along with Mr.Kripesh G. Kela, learned counsel for the petitioner would submit that lease granted to the petitioner has been cancelled by the impugned order without serving any notice and without affording a reasonable opportunity of being heard to her, therefore, the impugned order is liable to be set aside.
2. On the other hand, Mr.Ashish Surana, learned counsel appearing for respondents No.1, 2 and 4 would support the impugned order.
3. I have heard learned counsel for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.

4. The impugned order itself states that notice sent was returned back with an endorsement that addressee is not available and notice was pasted in the premises of the petitioner. In fact, service by way of affixing notice on the premises of the petitioner cannot be said to be proper service of notice to her.
5. Admittedly, notice was not served to the petitioner. Cancellation of lease involves civil consequence. Proper notice and reasonable opportunity of hearing ought to have been given to the petitioner before cancelling the lease, which has not been given in this case and the appellate authority also did not look into the matter.
6. In view of above, the order dated 5.10.2006 (Annexure P/1) cancelling the lease granted to the petitioner and order dated 30.4.2007 dismissing the appeal are hereby set aside. Matter is remitted to the District Business and industries Centre, Jagdalpur for hearing the parties affected and to pass a reasoned and speaking order within two months from the date of receipt of a copy of this order. The matter will be heard within two months from the date of production of a copy of this order either of the parties after hearing the affected parties.
7. The writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-